

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DONALD D. MARTIN, JR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 13-834C
)	(Chief Judge Patricia Campbell-Smith)
)	
THE UNITED STATES,)	
)	
Defendant.)	

JOINT MOTION TO SUSPEND PROCEEDINGS

Pursuant to Rule 7(b) of the Rules of the United States Court of Federal Claims, the parties respectfully request that the Court suspend the proceedings directed by the Court in its February 13, 2017 order. Specifically, the parties request that the Court suspend the requirements that (1) plaintiffs submit draft damages calculations to defendant on or before March 17, 2017; (2) the parties confer and discuss any disagreements as to the calculations by March 31, 2017; and (3) the parties file a joint status report on or before April 7, 2017, reporting the results of both the conference and the calculations. The requested suspension is necessary to allow the parties sufficient time to accomplish the task of calculating the amount of liquidated damages due each member of the collective action.

Since the Court issued its order, counsel for plaintiffs and counsel for defendant have conferred several times regarding the process that should be used to obtain damages calculations that may be presented to the Court. Given the complexity of the endeavor, the parties agree that a consultant with expertise in calculating FLSA damages should be engaged to assist in the matter. Counsel for defendant has identified a consultant with such expertise who is acceptable to counsel for plaintiffs and has requested from the consultant a proposal for services. Once engaged, a consultant will be required to review collective action members' earnings and leave

statements and time and attendance data, to develop a methodology for calculating the amount of damages each plaintiff is due, and to present that methodology to counsel for plaintiffs and counsel for defendant. Once the methodology is agreed upon, the consultant will calculate the amount of damages and present the findings to counsel for plaintiffs and counsel for defendant.

Counsel for defendant has begun certain steps necessary to completing the above process, such as requesting pay and attendance data from the employing agencies and seeking to engage a consultant. The parties, however, agree that the process to calculate damages will not be complete by the deadlines set forth in the Court's order. The parties therefore respectfully request that the Court suspend the proceedings set forth in the order and direct the parties to file a joint status report on or before April 28, 2017, and on or before the last business day of each month thereafter, reporting the status of the damages calculation effort. They also respectfully request that the joint status reports continue until the damages calculations are complete or the Court orders a different process.

Respectfully submitted,

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